

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANETTE JONES,

Plaintiff,

CASE NO. 07-11122

vs.

DISTRICT JUDGE GEORGE CARAM STEEH
MAGISTRATE JUDGE STEVEN D. PEPE

COUNTY OF OAKLAND,

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION TO COMPEL DISCOVERY (DKT. #7)
AND
ORDER GRANTING DEFENDANT’S MOTION TO EXTEND DATES OF
SCHEDULING ORDER BY A PERIOD OF NINETY DAYS (DKT. #11)**

Plaintiff filed a *pro se* Complaint claiming that she was denied protected leave under the Family Medical Leave Act (“FMLA”), 20 U.S.C. § 2601 et seq. when Defendant refused to accept a March 15, 2005, medical slip furnished by her personal doctors indicating she was ill and unable to return to work (Dkt. # 1). Plaintiff was discharged on March 31, 2005. She is seeking lost wages and benefits damages, interest, reinstatement and compensation for “emotional distress, pain, suffering, mental anguish, and humiliation.”

On May 10, 2007, Defendant served upon Plaintiff its First Interrogatories and First Request for Production of Documents (Dkt. #7, ex. A). Plaintiff’s response was due on June 10, 2007. To date, Plaintiff has provided no response to Defendant’s requests and no indication when the response will be received. Defendant’s requested discovery is related to the alleged violation of the FMLA, Plaintiff’s employment or efforts to obtain employment after termination of employment with Defendant, and her medical condition, including medical records or releases

for Defendant to obtain medical records from Plaintiff's physicians.

On June 21, 2007, Defendant filed its motion to compel discovery to which Plaintiff failed to file a response (Dkt. #7). On July 6, 2007, Defendant also filed a motion seeking to extend the dates of the Court's scheduling order by a period of ninety days (Dkt. #11). Both motions were referred for hearing and determination pursuant to 28 U.S.C. § 636 (b)(1)(A). A hearing was set on these motions for July 18, 2007, but given Plaintiff's failure to respond, it has been cancelled under L.R. 7.1(e)(2) and the matter will be determined without oral hearing on the briefs filed as required by this Rule.

For the reasons indicated, it is ordered that Defendant's motions are **GRANTED**.

Having failed to file a response with this Court as required by L.R. 7.1(d)(2)(B), Plaintiff has failed to challenge the factual assertions or legal requests in Defendant's motion to compel. Therefore, Plaintiff is **ORDERED** to submit a response to Defendant's discovery requests on or before August 7, 2007. In the event Plaintiff is unable to provide full responses or documents, she should clearly state this in her response to Defendant.

Due to the delay in discovery caused by Plaintiff's failure to respond to Defendant's discovery requests, it is **FURTHER ORDERED** that Defendant's motion for an extension is **GRANTED**. Accordingly, the dates of the Court's scheduling order shall be extended by a period of ninety days.

Witness Lists due: 10/15/07

Discovery Cutoff: 11/26/07

Dispositive Motions due: 12/28/07

Final Pretrial Order due: 3/31/08

Final Pretrial Conference: 4/7/08 at 9:00 AM

Jury Trial Date: 4/15/08 at 9:00 AM

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

SO ORDERED.

Date: July 19, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: Craig Schwartz, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Janette Jones, 252 W. Cornell, Pontiac, MI 48340.

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peliter@mied.uscourts.gov